

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-593

December 17, 2003

BIDDEFORD & SACO WATER COMPANY
Proposed Tariff Revision to
Increase Rates (\$379,331 or 11.06%)

ORDER APPROVING
STIPULATION

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

I. SUMMARY

We allow a rate increase for Biddeford & Saco Water Company (Company) to take effect for service provided beginning December 15, 2003, as reflected in the Stipulation Agreement dated December 10, 2003, as agreed to by the Office of the Public Advocate (OPA) and the Company.

II. PROCEDURAL HISTORY

On August 14, 2003, Biddeford & Saco Water Company, pursuant to 35-A M.R.S.A. § 307, filed a proposed rate increase of 11.06% or \$379,331 of additional revenue. The Office of the Public Advocate (OPA) and the City of Saco intervened in the case. Technical conferences were held on October 28 and November 21, 2003 to discuss the case and potential settlement. On December 10, 2003, the Company filed a Stipulation Agreement agreed to by the Company and the OPA. While the City of Saco did not sign the Stipulation, it stated by letter that it did not object to it.

III. STIPULATION

The Stipulation provides for annual operating revenues of \$3,760,159, an increase of \$331,487, or 9.67%, over the 2002 test year revenues of \$3,428,672. The rate increase will be allocated pro rata across all metered, unmetered and fire protection classes. The Stipulation provides that rates will be effective on December 15, 2003.

IV. DISCUSSION

In approving a stipulation, we consider whether the parties joining the stipulation represent a sufficiently broad spectrum of interests, whether the process leading to the stipulation was fair and whether the stipulated result is reasonable and not contrary to law. See, e.g., *Consumers Maine Water Company, Proposed General Rate Increase of Bucksport and Hartland Divisions*, Docket No. 96-739 (July 3, 1997) at 2. The Public Advocate represents the using and consuming public, in this case the customers of the Company. In addition, the City of Saco intervened and had notice of the conferences

held in this case. The process of discovery, the technical conference and the informal conference calls allowed an opportunity for all interested persons to gather information about the reasons for the increase.

We believe that the process was fair; all interested parties had an opportunity to participate. We find that the proposed Stipulation resolves this case consistent with the law and the public interest. The Stipulation as filed results in rates that are just and reasonable and in the best interest of ratepayers. It also reduces the risk of increased costs if the case were fully litigated.

V. CONCLUSION

We approve the Stipulation filed by the parties in this case for rates to be effective on December 15, 2003.

ORDER

1. That the Stipulation filed on December 10, 2003, is approved; and
2. That the Biddeford and Saco Water Company Sheets No. 1, 3, 4, 5 and 6, all Fourth Revision, filed on December 10, 2003, are approved for effect on December 15, 2003.

Dated at Augusta, Maine, this 17th day of December, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond
 Reishus

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.